



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 3319-99
28 September 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 September 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 14 March 1995 at age 19. You reported to active duty on 6 June 1995. On 7 June 1995 a medical evaluation found that you met the criteria for alcohol dependence and were psychologically dependent on alcohol.

On 9 June 1995 the commanding officer directed that your enlistment be voided by reason of erroneous enlistment due to alcohol dependence. You were released from the Navy on 14 June 1995 by reason of void enlistment and assigned a reenlistment code of RE-4.

Title 10 U.S. Code, Section 978, states, in part, as follows: "The enlistment or appointment of a person who is determined...to be dependent on drugs or alcohol at the time of such enlistment or appointment shall be void." Given the finding that you were psychologically dependent on alcohol, the Board concluded that it was proper to void your enlistment. The Board also concluded that your alcohol dependence was sufficient to support the

assignment of an RE-4 reenlistment code. Applicable directives require the assignment of such a code when an enlistment is voided due to alcohol dependence. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director